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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,415	12/16/1999	BRYAN SEVERT HALLBERG		8841

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EXAMINER	
CHIEU, PO LIN	
ART UNIT	**PAPER NUMBER**
2615	6

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/465,415	HALLBERG ET AL.	
	Examiner	Art Unit	
	Polin Chieu	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) ~~1-19~~ 1-23 is/are pending in the application.

4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-19 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1-19 in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement (i.e. the Applicant has not presented arguments against the restriction requirement), the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hara et al (6,430,356).

Regarding claims 1 and 5, Hara et al discloses copying the transport stream data to a video data block (or a data block formatted for digital video) of a digital video frame (col. 13, line 11 – col. 14, line 3); and storing the digital video frame on a storing medium in a digital video storage format (col. 10, line 59 – col. 11, line 19).

Regarding claims 2 and 6, Hara et al discloses that the storage medium is a digital video tape (col. 11, lines 1-5).

Regarding claims 3 and 7, Hara et al discloses copying the digital video frame (or data block) to a payload portion of an isochronous data transfer packet (col. 12, lines 25-45).

Regarding claims 4 and 8, Hara et al discloses repeating the copying of the transport stream data to another said video data block (col. 12, line 25 – col. 14, line 3).

Regarding claim 9, Hara et al discloses that another video data block is a data element of another said digital video frame (fig. 1).

Regarding claim 13, Hara et al discloses copying the transport stream data into an isochronous data transfer packet (col. 12, lines 25-67); extracting the transport stream data from the isochronous data transfer packet; copying the transport stream data to a video data block of a digital video frame; and storing the digital video frame (col. 11, line 11 – col. 14, line 3).

The limitations of claims 14 and 15 were discussed in the art rejection of claims 8-9. Please refer to the art rejection of claims 8-9.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al.

Regarding claim 10, Hara et al discloses copying digital video to an isochronous data packet; extracting the digital video from the isochronous data packet; and storing the digital video in a storage medium (col. 12, line 25 – col. 14, line 3). However, Hara et al does not disclose copying transport stream data to a data block of a digital video frame.

Hara et al does not disclose processing performed to generate the recording format shown in figure 1. It is well known in the art that a VCR can receive a transport stream (i.e. analog or digital broadcast signal) and record the data. Since the transport stream is not broadcast in the manner shown in figure 1, it is obvious to one of ordinary skill in the art that the VCR must perform processing to copy the transport stream data to a data block of a digital video frame (i.e. the VCR must convert the transport stream into the desired recording format).

It would have been highly desirable to copy the transport stream data to a data block of a digital video frame so that the audio and video data is recorded in a desired digital format.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to copy the transport stream data to a data block of a digital video frame in the device of Hara et al.

The limitations of claims 11 and 12 were discussed in the art rejection of claims 8-9. Please refer to the art rejection of claims 8-9.

6. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al in view of Karasawa (6,333,950).

Regarding claim 16, Hara et al discloses copying at least one of the digital video frame including the data block to a data transfer packet; extracting the at least one digital video frame from the data transfer packet; and storing the at least one digital video frame (col. 12, line 25 – col. 14, line 3). However, Hara et al does not disclose accumulating a quantity; copying the quantity; and repeating the copying.

As discussed previously, it would have been obvious to copy the quantity of the transport stream data to a data block of the digital video frame. Repeating the step as another quantity is accumulated would have been obvious as well so that as the data continues to be transmitted the recorder continues to record in the desired format.

Karasawa teaches accumulating a quantity of the transport stream data equal to a digital video frame data quantity (col. 2, lines 1-18).

It would have been highly desirable to copy the data and repeat the copying so that all the data is recorded in a desired format. It would have been highly desirable to accumulate a quantity of the transport stream data equal to a digital video frame quantity so that the digital video frame packets are completely filled with a desired amount of data.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to copy the quantity; repeat copying; and accumulate a quantity in the device of Hara et al.

Regarding claim 17, Hara et al discloses copying the transport stream data to a data transfer packet; extracting the transport stream data from the data transfer packet; and storing the digital video frame. As discussed previously it would have been obvious to accumulate a quantity; copy the quantity; and repeat copying.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa.

Karasawa discloses accumulating a predetermined quantity of data; and packetizing the data to a data block of a digital video frame (col. 2, lines 1-18). However, Karasawa does not disclose a buffer.

It is well known in the art to accumulate data in a buffer.

It would have been highly desirable to accumulate data in a buffer so that the data is retained while a desired format is being created.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use a buffer in the device of Karasawa.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa in view of Hara et al.

Regarding claim 19, Karasawa does not disclose a transfer packet encoder; and a depacketizer.

Hara et al teaches a transfer packet encoder to copy the digital video frame to a data transfer packet; and a depacketizer to extract the digital video frame from the data transfer packet for storage (col. 12, line 25 - col. 14, line 3).

It would have been highly desirable to have a transfer packet encoder and a depacketizer so the data could be transported to another recorded using firewire.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have a transfer packet encoder and a depacketizer in the device of Karasawa.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hatae; Wang et al; Guerrera; Goodwin, III; Takayama et al; Kawakami et al; Yanagihara et al; and Okuyama et al disclose transmitting devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Polin Chieu whose telephone number is (703) 308-6070. The examiner can normally be reached on M-Th 8:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PC
February 4, 2004